



OFFICE OF THE CITY CLERK

REPORT

TO THE HONORABLE MAYOR AND CITY COUNCIL

DATE: May 12, 2005

REPORT NO.: 05-03

SUBJECT: SPECIAL PROVISIONS FOR BALLOT MEASURES FOR JULY 26, 2005

THIS IS AN INFORMATION REPORT. ACTION MAY BE REQUIRED DEPENDENT UPON THE COUNCIL'S WISHES.

As you consider the possible placement of measures on the ballot for the Special Election to be held on July 26, 2005, you may also wish to consider the following points:

- 1) you may direct the City Attorney to prepare a ballot title and summary of any proposed measure;
- 2) you may direct the City Attorney to prepare an impartial analysis of any measures for inclusion in the sample ballot pamphlet;
- 3) you may direct the City Manager to prepare a fiscal impact analysis of the proposed legislative act; and
- 4) you may assign authorship of the ballot argument to one or more Councilmembers.

Each of these points is discussed below.

PROVISION FOR BALLOT TITLE AND SUMMARY

Division 5 of the San Diego Municipal Code allows in part that upon Council direction, the City Attorney shall prepare a ballot title and summary of any proposed measure. The ballot title may differ from any other title of the proposed measure and the language of the summary shall give a true and impartial statement of the proposed measure. The summary shall not be considered an argument either for or against the proposed measure. The title and summary, limited to 500 words in length, would be printed in the sample ballot pamphlet preceding the arguments for and against the measure.

For the July election, ballot titles and summaries must be delivered to the City Clerk no later than 12:00 p.m. (noon) on Friday, May 27, 2005, for inclusion in the sample ballot pamphlet. Should the Council wish the Attorney to prepare a ballot title and summary, such direction should be given **at the same time as the Council acts to place the measure on the July ballot.**

PROVISION FOR IMPARTIAL ANALYSIS

Division 5 of the San Diego Municipal Code allows in part that upon Council direction, the City Attorney shall prepare an impartial analysis of a ballot measure including the effect of the measure on existing law. (Should the measure affect the organization or salaries of the City Attorney's office, Council may direct an appropriate official to prepare the analysis.) The analysis, limited to 500 words in length, would be printed in the sample ballot pamphlet preceding the arguments for and against the measure.

For the July election, impartial analyses must be filed with the City Clerk no later than 12:00 p.m. (noon) on Friday, May 27, 2005, for inclusion in the sample ballot pamphlet. Should the Council wish the Attorney to prepare an impartial analysis, such direction should be given **at the same time as the Council acts to place the measure on the July ballot.**

PROVISION FOR FISCAL IMPACT ANALYSIS

Division 5 of the San Diego Municipal Code further allows in part that upon Council direction, the City Manager shall prepare a fiscal impact analysis of a proposed legislative act. The analysis shall include an estimate of the amount of any increase or decrease in revenues or costs to the City, or an opinion as to whether or not significant change in City finances would result if the proposed measure is adopted. The analysis, limited to 500 words in length, would be printed in the sample ballot pamphlet preceding the arguments for and against the measure.

For the July election, fiscal impact analyses must be delivered to the City Clerk no later than 12:00 p.m. (noon) on Friday, May 27, for inclusion in the sample ballot pamphlet. Should the Council wish the City Manager to prepare a fiscal impact analysis, such direction should be given **at the same time as the Council acts to place the measure on the November ballot.**

PROVISION FOR AUTHORSHIP OF THE BALLOT ARGUMENT

Division 5 of the San Diego Municipal Code provides guidelines for ballot arguments concerning City measures. For measures approved for submittal to the qualified voters of the City at the July 26 Special Election, the City Clerk has fixed 12:00 p.m. (noon) on Friday, May 27, 2005, as the date after which no arguments for or against City measures may be submitted.

Arguments are limited to 300 words. If more than one argument is submitted for or against any measure, the City Clerk selects the argument to be printed in the sample ballot pamphlet by priority of authorship as follows:

- (a) the City Council; or member(s) of the Council, authorized by the Council;
- (b) the individual voter, or bona fide association of citizens, or combination of voters and associations, who are the bona fide sponsors or proponents of the measure;
- (c) bona fide associations of citizens;
- (d) individual voters who are eligible to vote on the measure.

Councilmembers must be considered as individual voters *unless designated by Council action to speak for the legislative body*. Should the Council wish to authorize one or more Councilmembers to draft and sign an argument, such authorization should be given **at the same time as the Council acts to place the measure on the July ballot.**

Arguments must be accompanied by the name or names of the person or persons submitting them, or if submitted on behalf of an organization, the name of the organization and the name of at least one of its principal officers.

No more than five (5) signatures shall appear with any argument. In case any argument is signed by more than five (5) persons, the signatures of the first five (5) will be printed in the sample ballot pamphlet.

CONCLUSION

As the Council considers the placement of ballot measures on the ballot of the Special Election on July 26, 2005, it may also wish to consider (1) directing the City Attorney to prepare a ballot title and summary for one or more measures; (2) directing the City Attorney to prepare an impartial analysis of one or more measures; 3) directing the City Manager to prepare a fiscal impact analysis of the proposed legislative act(s); and (4) designating one or more Councilmembers to draft and sign ballot arguments.

Providing for ballot titles and summaries, impartial analyses, fiscal impact analyses, and designating argument authors should be accomplished at the same time as the Council acts to place a measure on the ballot.

Sincerely,

Charles G. Abdelnour
City Clerk

cc: City Attorney
City Manager